



UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
NEW YORK REGIONAL OFFICE
3 WORLD FINANCIAL CENTER, SUITE 400
NEW YORK, NY 10281

December 1, 2017

VIA ECF

Hon. Valerie E. Caproni
United States District Judge
United States Courthouse
40 Foley Square
New York, NY 10007

Re: SEC v. Davis, et al., (14-CV-1528) (VEC) (S.D.N.Y.)

Dear Judge Caproni:

We write with respect to the Court's Order of September 15, 2017, that the parties notify the Court as to whether the action has been settled by today. While the Securities & Exchange Commission ("Commission") has had some fruitful discussions with counsel for Defendants DiCarmine and Sanders (and in fact may be close to a settlement with one or both of them), no resolution has yet been reached. While counsel for DiCarmine and Sanders have advised that they would prefer an extension of the stay for an additional sixty days for further discussions, the Commission believes that it would be appropriate for the Court to set a prehearing conference to discuss a schedule for Defendants to answer the Complaint and relating to discovery. Counsel for Sanders requests that any such prehearing conference be set no sooner than January 8, 2018, in order to allow time for the settlement discussion to hopefully conclude.

The SEC has also conferred with counsel for Defendant Steven Davis regarding this letter. As the Court is aware, a partial judgment has been entered against Mr. Davis and only the issue of potential monetary sanctions remains pending as to him (Dkt. 100).

Please feel free to contact us if you have any questions or need additional information.

Sincerely,

s/ Howard Fischer
Howard Fischer
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